



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

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MEETING DATE April 28, 2005	CONTACT/PHONE Josh LeBombard 805-781-1431	APPLICANT Javad Sani	FILE NO. TRACT 2706 SUB2004-00217
SUBJECT Hearing to consider a request by Javad Sani for a Vesting Tentative Tract Map to subdivide an existing 4.1 acre parcel into five parcels of 37,883, 33,244, 40,646, 34,046, and 22,462 square feet each for the purpose of sale and/or development. The project also consists of the request for an adjustment of road dedication standards. The project was previously approved as TR 2389, which has expired. The majority of work for this project was completed prior to the expiration of the project. The division will create two on-site roads. The proposed road names are Roya Avenue and Sara Street. The proposed project is within the Office and Professional land use category and is located at 1315 Las Tablas Road in the community of Templeton. The site is in the Salinas River planning area.			
RECOMMENDED ACTION 1. Rely on the Negative Declaration that was previously adopted on September 11, 2001 in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2706 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a previously adopted Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) adopted on September 11, 2001 was relied upon for this project. Mitigation measures are proposed to address drainage and public services/utilities and are included as conditions of approval.			
LAND USE CATEGORY Office and Professional	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 040-289-016	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Templeton Design Plan			
LAND USE ORDINANCE STANDARDS: None			
EXISTING USES: Medical office building on proposed Parcel 1			
SURROUNDING LAND USE CATEGORIES AND USES: North: Office and Professional/Office South: Residential Single Family/Residential East: Office and Professional/Office West: Office and Professional/Vacant			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Advisory Group, Public Works, Environmental Health, CDF, Templeton Community Services District, Templeton School District, Cal Trans	
TOPOGRAPHY: Level	VEGETATION: Grasses, disturbed
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Templeton Fire Department	ACCEPTANCE DATE: February 6, 2005

BACKGROUND:

The San Luis Obispo County Board of Supervisors previously approved this project on September 11, 2001 as TR 2389. TR 2389 expired on September 11, 2003. The approving document, Resolution 2001-27, had conflicting information within it that may have led to confusion about when the map expires. Condition 21 of the resolution stated, "A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter." However, the front page of the resolution stated "if the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months form the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted."

At the time of application for this project, the majority of the improvements required for TR 2389 were already completed.

PROJECT EVALUATION:

This project (TR 2706) is a request by Javad Sani for a Vesting Tentative Tract Map to subdivide an existing 4.1-acre parcel into five parcels. This project is the same as TR 2389 except that the size of the parcels has changed minutely. The current proposal is to create five parcels of 37,883, 33,244, 40,646, 34,046, and 22,462 square feet in size. TR 2389 created five parcels of .82, .77, .78, .70, and .93 acres in size. The project also consists of the request for an adjustment of road dedication standards. The proposed dedication consists of a 40-foot dedicated right-of-way instead of a 50 foot dedicated right-of-way for access to the parcels. This adjustment was originally denied at the March 22, 2001 Planning Commission hearing and overturned (approved) by the Board of Supervisors on September 11, 2001.

ORDINANCE COMPLIANCE:

Minimum Parcel Size

The minimum parcel size for new divisions in the Office and Professional use category is 6,000 square feet with community water and sewer. The project meets the minimum parcel size requirements of the county Land Use Ordinance.

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Land Use Category	Minimum	Proposed
Office and Professional	6,000 sq. ft.	30,500 sq. ft.- 40,500 sq. ft.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

ADJUSTMENTS:

The applicant's request for a forty-foot private easement would require an adjustment to Section 21.03.010(d)(1) and (7) of the county code and County Engineering's standard specifications and drawings. Section 21.03.010(d)(1) and the county's standard specifications and drawings require a 50 foot offer of dedication unless specific findings can be made per 21.02.020(c) and (d).

Since the Board of Supervisors approved the adjustment to road dedication standards on September 11, 2001 for TR 2389, and no significant change is being made to the current proposal, staff recommends that the adjustment be approved.

COMMUNITY ADVISORY GROUP COMMENTS: No Comments received

AGENCY REVIEW:

Public Works- Recommend approval with certain conditions

Environmental Health – In receipt of a will serve letter from TCSD

County Parks – No comment

CDF – Not within CDF jurisdiction

Templeton Community Services -District – 27 water and sewer units; will need to pay fire and park fees prior to issuance of a building permit

Cal Trans – None received

LEGAL LOT STATUS: The 1 lot was legally created by CO 77-381 at a time when that was a legal method of creating lots.

Staff report prepared by Josh LeBombard and reviewed by Kami Griffin

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FINDINGS - EXHIBIT A

Findings for approval of the tentative tract map

- A. On the basis of the Initial Study and all comments received, there is no substantial evidence that the project will have a significant effect on the environment.
- B. As conditioned, proposed map is consistent with the San Luis Obispo County General Plan because the parcel sizes proposed are consistent with the parcel sizes allowed in the Office and Professional land use category.
- C. As conditioned, the design and improvements of the proposed tract map are consistent with the applicable county general and specific plans.
- D. As conditioned, the proposed project or use satisfies all applicable provisions of Title 21 and Title 22 of the County Code.
- E. The site is physically suitable for the type of development proposed because it is in an urban area near other similar uses and has adequate public services.
- F. The site is physically suitable for the proposed density of the development proposed because it has adequate access from public roads and does not have any topographic limitations.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is in an urban area and does not contain any significant wildlife habitat.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; or that substantially equivalent alternate easements are provided.
- I. The proposed subdivision complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. In the interest of public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of road improvements will occur within a period of one year after recordation of the tract map or prior to occupancy of any new structure on the property, whichever comes first.
- K. The requirement for additional parking spaces on lots 4 and 5 is justified because the adjustment eliminates the potential for a parking lane on Sara Lane.

Findings for approval of the adjustment

- L. There are special circumstances or conditions affecting the subdivision because there is existing development that limits design alternatives and an existing row of mature cypress trees that will be preserved. The adjustment will provide for additional parking spaces on the property without increasing the amount of development that could be allowed on the site.

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- M. The adjustment is necessary for the preservation and enjoyment of a substantial property right of the applicant because the applicant will enjoy increased flexibility in the placement of structures and parking, and the increased number of parking spaces will benefit future development on the site.
- N. The granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the project will be required to meet county standards for public health and safety.
- O. The granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the reduced right-of-way width will not impact other projects or adversely effect the public's ability to use and benefit from future development of the property.
- P. The granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the 40-foot right-of-way can handle the additional traffic the project will generate and the improvements must meet county standards for drainage and vehicular and pedestrian safety.
- Q. The granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility because the applicant will be required to construct and maintain the improvements.
- R. That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision because minimum county improvement standards can be accommodated by the 40' right-of-way.

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CONDITIONS - EXHIBIT B

Access and Improvements

1. Roads and/or streets to be constructed to the following standards:
 - a. Sara Lane constructed to an A-2 (urban) section within a 40 foot dedicated right-of-way from Las Tablas Road to the west property line, including a county standard knuckle, two fourteen foot travel lanes and two six foot sidewalks. The design of Sara Lane may eliminate the parking lane and may detach the sidewalk and may keep the existing trees.
 - b. Las Tablas Road widened to complete an A-2 (urban) section fronting the property.
2. The applicant shall offer for dedication to the public by certificate on the map or by separate instrument:
 - a. A 40-foot road easement as shown on the tentative map with a 20-foot radius property line return at the intersection of Sara Lane and Las Tablas Road.
 - b. A minimum 10-foot public pedestrian easement adjacent to the full length of Sara Lane from Las Tablas Road to the west property line.
3. Access be denied to lots 1 and 5 from Las Tablas Road and that this be by certificate and designation on the map.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
5. The applicant shall retain as many trees as possible when completing the required road improvements. This may include establishing the required sidewalk to the west of the existing row of cypress trees along Sara Lane and not centering the pavement in the right-of-way.

Drainage

6. Submit complete drainage calculations to the County Engineer for review and approval.
7. Drainage must be retained or detained in a drainage basin on the property. The design of the basin to be approved by the County Engineer, in accordance with county standards or the project must join the Templeton Community Services District's drainage/park district.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

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Utilities

9. Electric and telephone lines shall be installed underground.
10. Cable T.V. conduits shall be installed in the street.
11. Gas lines are to be installed.

Plans

12. Improvement plans be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the County Engineer and County Health Departments for approval. The plan to include:
 - a. Street plan and profile;
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require);
 - c. Water plan (County Health)
 - d. Sewer plan (County Health)
 - e. Grading and erosion control plan for subdivision related improvements;
 - f. Public utility;
13. The applicant shall enter into an agreement with the county for inspection of said improvements, and for checking the improvement plans and the map.
14. The engineer, upon inspection of the improvements, must certify to the County Engineer that the improvements are made in accordance with Planning Commission requirements and the approved plans.
15. All public improvements (roads, drainage, utilities) shall be completed prior to occupancy of any new structure. This notice shall be included on an additional information sheet for any map recorded before improvements are complete.

Covenants, Conditions and Restrictions

16. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of drainage basin fencing, if a basin is required.
 - b. Maintenance of drainage basin landscaping, if a basin is required.

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- c. Maintenance of the drainage basin, if a basin is required.
 - d. Portions of the subdivision may be subject to flood hazard from a tributary to Toad Creek. Show the limits of inundation from a 100-year storm as an exhibit and note this as a required building restriction.
 - e. Maintenance of all local streets within the subdivision.
17. **Quimby fees** - Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.
18. **Fire Protection** - The applicant shall obtain a fire safety clearance letter from the Templeton Fire Department establishing fire safety requirements prior to finalizing the map.
19. **Affordable Housing Fee** - Prior to recording the final map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.
20. **Additional Map Sheet** - Prior to recordation of the final map, the applicant shall prepare an additional map sheet, to be approved by the Director of Planning and Building and recorded with the final map. The additional map sheet shall include the following:
- a. All public improvements shall be completed prior to the occupancy of any new structure.
 - b. Portions of the subdivision may be subject to flood hazard from a tributary to Toad Creek. Show the limits of inundation from a 100 year storm as an exhibit and note this as a required building restriction.
 - c. The footprint of any new building(s) on lots 4 & 5 shall not exceed 9500 square feet.
 - d. Parking for lots 1, 2, 4 & 5 shall be clustered adjacent to Sara Lane and the property lines between lots 1 & 2 and lots 4 & 5.
 - e. New development on parcel 4 and parcel 5 shall provide 7 additional parking spaces beyond what would be required by the county Land Use Ordinance.

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21. **Miscellaneous**

- a. This subdivision is also subject to the standard conditions of approval for all subdivisions utilizing community water and community sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- b. The applicant must apply to the Department of Planning and Building for approval of new street names.
- c. Prior to recordation of the final map, all existing structures shall be brought into conformance with the Templeton Design Plan and county Land Use Ordinance with regard to setbacks.
- d. All time frames on approved tentative maps for filing of final tract maps are measured from the date the hearing body approves the tentative map, not from any date of possible reconsideration action.

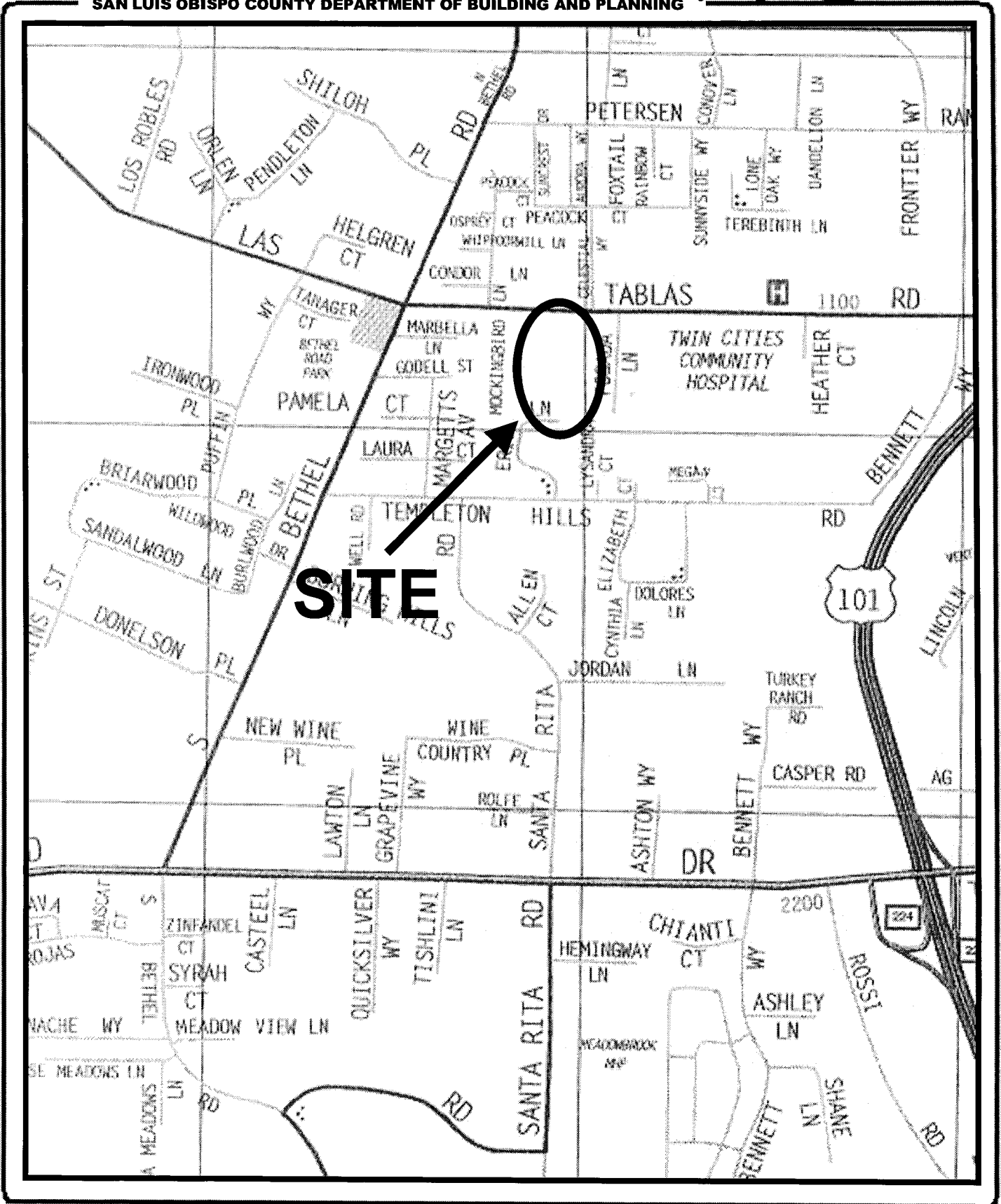
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STOCK APPROVAL CONDITIONS FOR SUBDIVISIONS
WITH COMMUNITY WATER AND SEWER

1. Community water and fire protection is to be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions and related facilities (except well(s)) may be bonded subject to the approval of the County Engineer and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the San Luis Obispo County Health Department.
5. When a potentially operational or operational existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "will serve" letter be obtained and submitted to the county Health and Planning Departments for review and approval stating that community sewer system service is available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Engineer and sewer district.
8. No building permits are to be issued until community sewers are operational and available for connection.
9. An encroachment permit be obtained from the County Engineer for any work to be done within the county right-of-way.
10. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map checkprints to the county Engineering Department, the project must be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements be shown on the map.

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14. Approved street names must be shown on the map.
15. The applicant must comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer submit a preliminary subdivision guarantee to the County Engineer for review prior to the filing of the map.
17. Any private easements on the property must be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
19. After approval by the review authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



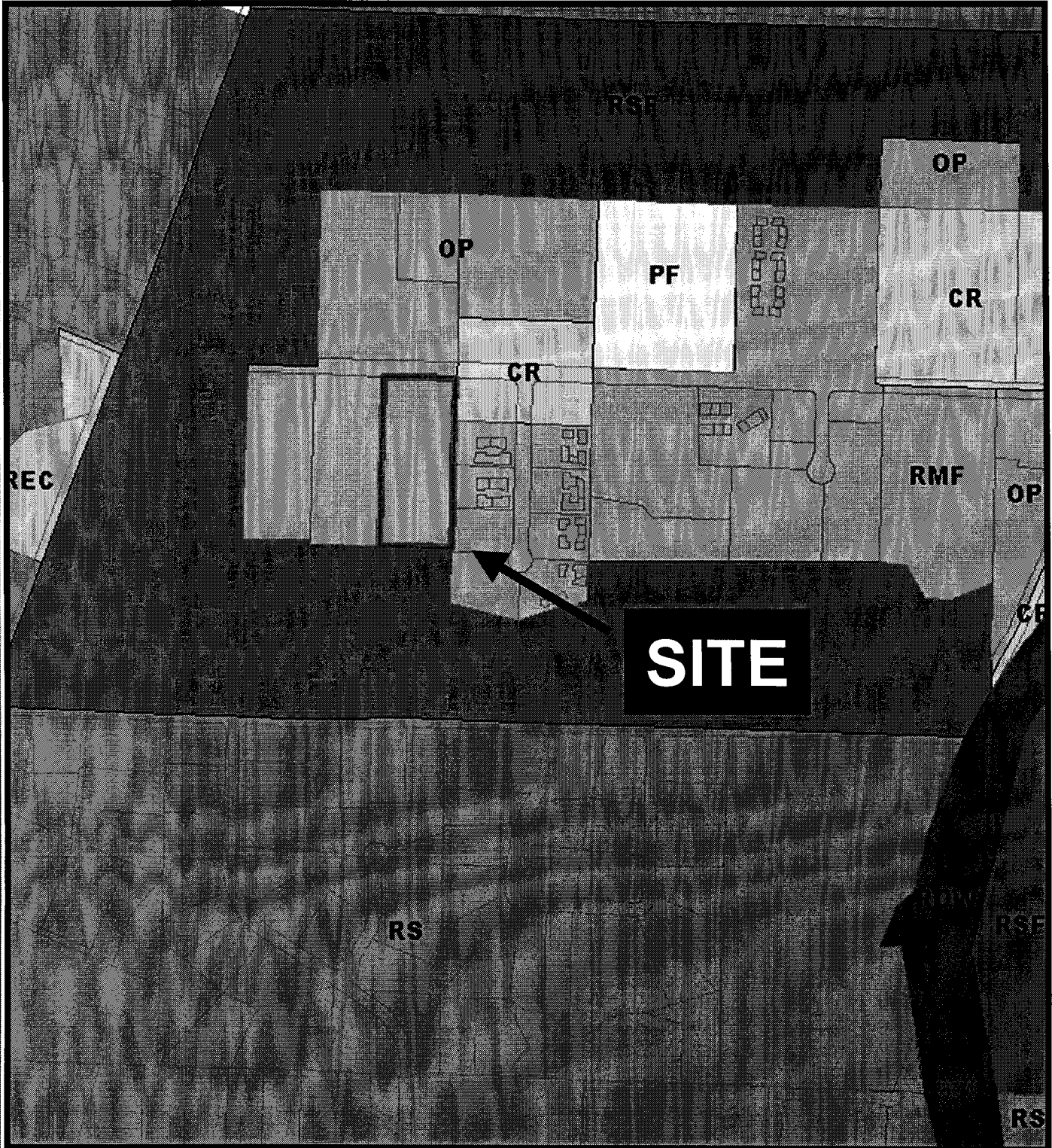
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EXHIBIT

Vicinity Map



PROJECT

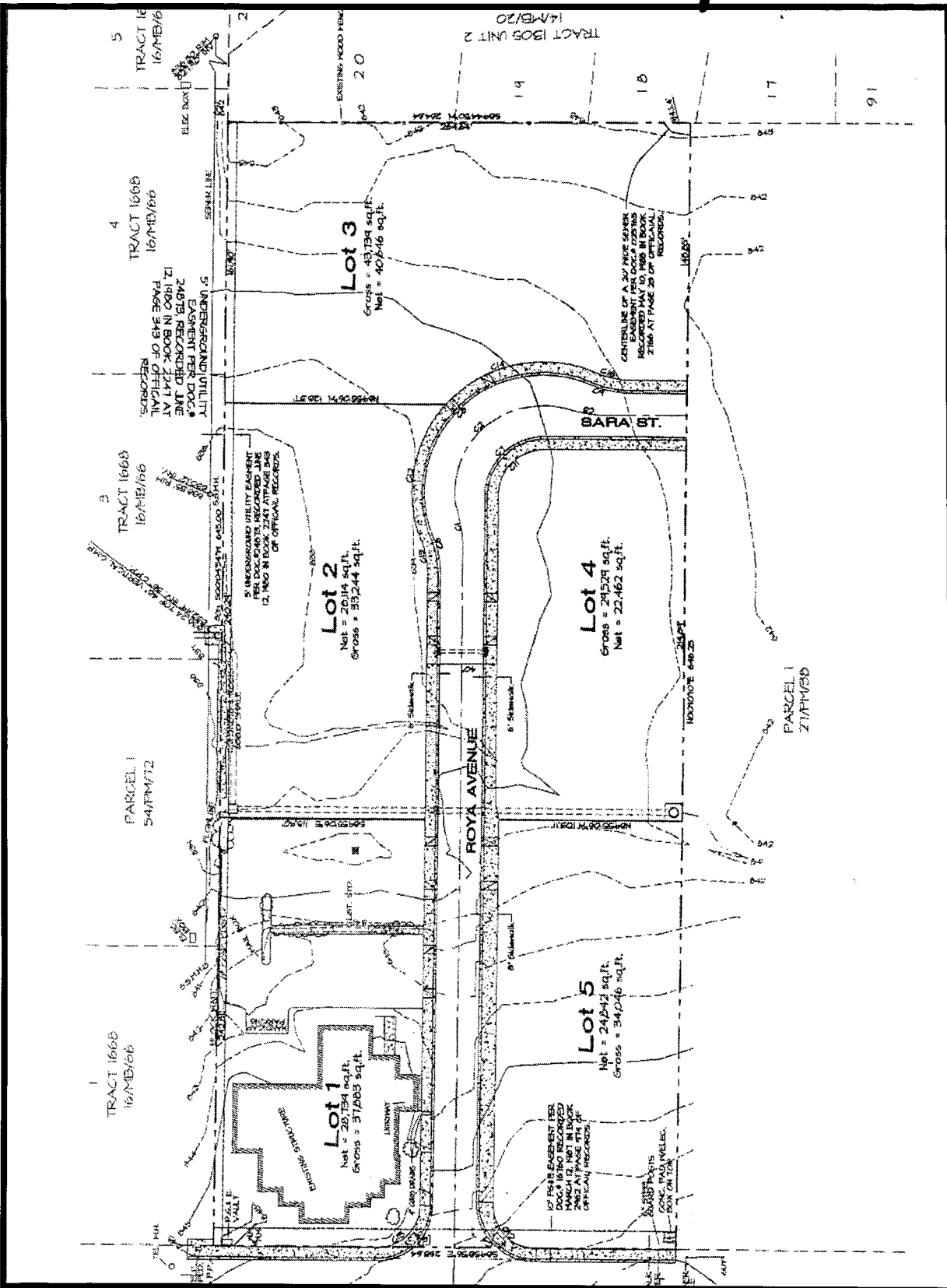
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EXHIBIT

Land Use Category Map

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EXHIBIT

Site Plan